

## ENVIRONMENTAL JUSTICE

In February of 1994 President Clinton signed Executive Order 12898. Its major goal is to ensure that no minority or low-income population suffers “disproportionately high and adverse human health or environmental effects” due to any “programs, policies, and activities” undertaken by a federal agency or any agency receiving federal funds. As the Michigan Department of Transportation (MDOT) does receive federal funding, the above-mentioned order applies to its programs, policies and activities. Environmental Justice (EJ), however, is not a new requirement. In fact, since no additional legislation accompanied the President’s order, its authority rests in Title VI of the Civil Rights Act of 1964, and MDOT has long considered these principles in its planning processes.

These requirements can be met in a variety of ways and on a variety of levels. MDOT’s first responsibility, when planning specific projects, is to identify those populations that will be affected by a given project. If a disproportionate effect is anticipated, mitigation procedures must be followed. If mitigation options do not sufficiently eliminate the disproportionate effect, reasonable alternatives should be discussed and, if necessary, implemented. Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group.

In addition to a project-by-project analysis of Environmental Justice, MDOT is responsible for ensuring that its overall program does not disproportionately distribute benefits or negative effects to any population. An analysis at the statewide level should examine the total negative and positive outcomes of transportation projects to see whether there is a disproportionate effect. This process involves establishing a baseline (a geographic representation of the location of those populations mentioned in the executive order) and then examining MDOT’s program as a whole as it relates to these areas.

For purposes of this STIP document, analysis is limited to the non-MPO areas of the state. Each MPO TIP contains an E.J.analysis of all projects within its Metropolitan Area Boundary. Because the negative effects of projects are generally examined at the individual project level, the analysis in this report will focus on the benefits of transportation improvements to an area. For this analysis the following definitions were used:

*Low-Income* means a person whose median household income is at or below the Department of Health and Human Services poverty guidelines.

*Minority* means a person who is: (1) Black (a person having origins in any of the black racial groups of Africa); (2) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race); (3) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or (4) American Indian and Alaskan Native (a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition).

### Methodology

Low income and minority thresholds were developed using 1990 census data for low-income groups (2000 low-income data is not yet available) and 2000 data for minority groups. MPO

populations were not included in development of the thresholds since we are analyzing the rural, non-MPO areas of the state. Any zone with a minority group population exceeding the statewide non-MPO average and a low-income population above the statewide non-MPO average was considered an EJ zone. Those areas were mapped and overlaid on the projects contained in the 2002-2004 STIP. The following table summarizes the results of the 2002-2004 STIP projects (MPO projects excluded).

<b>FY 2002-2004 STIP Environmental Justice (EJ) Analysis - Tables</b>			
<b>Number of Projects</b>	Total # of Proj	# EJ Zone Proj	Ratio - EJ/Total Proj
Trunkline (Non-MPO)	190	150	79%
Rural Task Forces	286	194	68%
Small Urban	43	34	79%
Total	519	378	73%
<b>Cost of Projects</b>	Total Proj Cost	EJ Zone Proj Cost	Ratio - EJ/Total Cost
Trunkline (Non-MPO)	\$517,972,759	\$400,906,177	77%
Rural Task Forces	\$107,646,136	\$70,402,104	65%
Small Urban	\$13,102,224	\$10,452,782	80%
Total	\$638,721,119	\$481,761,063	75%

The analysis addresses two fundamental Environmental Justice principles:

- 1). To avoid, minimize, or mitigate disproportionate high and adverse human health or environmental effects on low-income and minority populations.
- 2). To prevent the denial of, reduction in, or significant delay in the receipt of benefits by low-income and minority populations.

Disproportionately high and adverse effects on low-income and minority populations

Adverse effects, as defined in the final US DOT Order on Environmental Justice, contained in the Federal Register on April 15, 1997 include, but are not limited to: bodily impairment, illness or death; air, noise, or water pollution and soil contamination; destruction or disruption of natural resources or aesthetic values; disruption of community cohesion; disruption of the availability of public and private facilities and services; displacement of persons, farms, non-profit organizations; increased traffic congestion. Review of the 519 trunkline and local projects (excluding projects located within an MPO) that comprise the proposed 2002-2004 STIP reveals that the majority fall within the preservation category. The remainder of the projects consist of bridge, passing relief lane, roadsides, economic development, and jurisdictional transfer projects. Also, there are five capacity expansion and two capacity improve projects.

The proposed facility improvements located in minority or low-income populations are arguably similar in design and comparative impacts to those located in non-minority or non-low-income populations. With respect to the relatively few improve and expand projects, they are located in

mostly rural, low-population areas thereby minimizing potential adverse effects such as noise, vibration, displacement of persons or businesses, or disruption of community cohesion. All displacements and acquisition of right-of-way will be at the project development level and will follow the appropriate state and federal procedures including the Uniform Relocation Assistance and Real Property Acquisition Policies Act to minimize the impacts on affected individuals and businesses. Therefore, it has been determined that any adverse impacts associated with the proposed system improvements do not reach the disproportionately high and adverse standard.

#### Neglect of benefits to low income and minority populations

From the table on the previous page, the 2002-2004 STIP includes a total of 519 projects located outside MPOs, of which 378 (73%) are located within or adjacent to established EJ zones. Of the total projects, 190 (37%) are trunkline projects with approximately 79% benefitting EJ zones. Sixty-eight percent of the Rural Task Force projects (local projects) serve EJ zones. And, 79% of the Small Urban projects affect EJ zones. The cost section of the table reveals a total project cost of the 2002-2004 STIP of \$638,721,199 of which \$481,761,063 (75%) benefit established EJ zones. Trunkline projects account for approximately 81% of the total project cost with 77% touching EJ zones. Local projects (the sum of Rural Task Force and Small Urban projects) contribute 19% to the total project cost with approximately 67% serving EJ zones. A significant number of projects and associated project costs are located within or adjacent to areas established as EJ zones. Therefore, it has been determined that low income or minority populations are not being denied receipt of benefits from the proposed transportation improvements.

Environmental Justice ensures that the potential impacts and benefits derived from transportation services are provided equitably to every population in Michigan. Through careful planning and proactive involvement, MDOT guarantees the highest quality transportation services to all of Michigan's citizens, regardless of race or income.

### **THE PUBLIC INVOLVEMENT PROCESS FOR THE STIP**

Public involvement is one of TEA-21's fundamental requirements. The act clearly states that state departments of transportation and MPOs *"shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with reasonable opportunity to comment"* on transportation programs.

Both state and local officials ensured that preparation of the STIP included ample opportunity for public involvement. The planning process for project selection involves all those who hold a stake in Michigan's transportation systems, including the County Road Commissions, Cities and Villages, Metropolitan Planning Organizations, Regional Planning Agencies, Indian Tribal Governments, Public Transit Agencies and the general public.

In developing the STIP, state officials worked cooperatively with local officials, public and private transportation providers and interested citizens. Many of the projects included in the STIP are the result of numerous public information meetings and hearings, as well as requests by local officials and the public for specific transportation improvements.

Opportunities for public involvement were provided throughout the project selection process at local, regional and state levels. This cooperative state and local public involvement effort included, but was not limited to, open meetings at the state and local level where project selection and programming decisions were publicly considered, opportunities to comment on proposed projects at city council and city manager meetings and public notices in local newspapers throughout the state requesting public comment on proposed projects.

The Department's Five Year Road and Bridge Program was discussed with local agencies and the MPOs throughout its development. Copies of the Five Year Program were sent to all local road agencies, Chambers of Commerce and Visitors Bureaus, the Michigan legislature, statewide news media, and industry and other interest groups.

## **PUBLIC REVIEW OF THE DRAFT STIP REPORT**

Prior to receiving final FHWA approval of the 2002-2004 STIP, a press release concerning the 2002-2004 State Transportation Improvement Program (STIP) went out to nearly 500 media outlets statewide to announce the beginning of a two-week public review/comment period from September 10 to September 24. The release briefly explained the content of the STIP and what agencies were involved in the development. The press release also noted that STIP reports are available for review at all MDOT Region and TSC offices as well as on the internet on MDOT's Web site at [www.mdot.state.mi.us/stip](http://www.mdot.state.mi.us/stip). A contact person to receive comments at the Lansing central office was also provided.

The press release was distributed statewide to nearly 500 media outlets. Those outlets include radio, TV, and weekly and daily newspapers. As part of our effort to implement Environmental Justice, a number of minority media outlets were also notified. The minority media outlets contacted include Pontiac Citizen's Post, Flint Enquirer, Saginaw Enquirer, Grand Rapids Times, East Lansing Chronicle, Metro Business Consumer Network, Ecorse Telegram, Midwest Business Alliance, African American, Michigan Citizen, Spotlight Magazine, Blazer News, Michigan Front Page, Michigan Chronicle, El Vocero, El Hispano News, El Central, and Latino Press. South Bend, Indiana and Toledo, Ohio also received the releases since portions of their urbanized areas are in Michigan.

Copies of the STIP were distributed to the Federal Highway Administration and the Federal Transit Administration, as well as all MDOT Region and TSC offices, MPOs, Regional Planning Agencies, County Road Commissions. The STIP document was also made available for review from the internet by accessing MDOT's Web site at [www.mdot.state.mi.us/stip](http://www.mdot.state.mi.us/stip). Copies of the STIP were also sent upon request to a number of governmental agencies and associations.

After completion of the two-week public review period, all MDOT Region and TSC offices were contacted for any questions or comments they received from our customers. Most of the Region and TSC offices received no public comments. The central office received a few questions or comments from the public in response to the press release. The nature of the comments centered on how to obtain additional copies of the report or how to determine if work is scheduled on specific roadways in the next three years. Our responses addressed both types of concerns.

This concludes the summary of public involvement for the 2002-2004 STIP. We will continue to accept and address comments and distribute the STIP report as requests are received.

**You can comment on this report in several ways:**

- ! Contact the appropriate MDOT Regional Office or Transportation Service Center or MPO. A directory of MPO Offices can be found in Appendix A. Region Offices and TSCs are listed in Appendix B.
- ! Contact the MDOT STIP Unit, Bureau of Transportation Planning by mail, phone, fax, or email:

Michigan Department of Transportation  
Statewide Planning Division/STIP Unit  
P.O. Box 30050  
425 W. Ottawa Street  
Lansing MI 48909  
Phone (517) 241-2365 Fax (517) 373-9255  
E-Mail: [fillwockj@mdot.state.mi.us](mailto:fillwockj@mdot.state.mi.us)